

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

----- X

VINCENT MOSCA,

Plaintiff,

**NOTICE OF MOTION**

-against-

THE CITY OF NEW YORK, et. al.,

**17 CV 4327 (SJF)(SIL)**

Defendants.

-----X

**PLEASE TAKE NOTICE** that that upon third party defendants City of New York and New York City Police Department's ("NYPD") (a non-suable entity) Memorandum of Law dated March 7, 2019; the Declaration of Mark D. Zuckerman dated March 7, 2019 and exhibit annexed thereto; and upon all prior pleadings and proceedings had herein, defendants City of New York and NYPD, will move this Court, before the Hon. Sandra J. Feuerstein, United States District Judge, at the United States Courthouse for the Eastern District of New York, located at 100 Federal Plaza, Central Islip, New York 11722, at a date and time to be determined, pursuant to Rule 12(c) of the Federal Rules of Civil Procedure, for the dismissal of Francesco Colavito's third party claims against them with prejudice and for such other and further relief as the Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE**, that, Francesco Colavito is to serve his opposition papers on the undersigned on or before March 21, 2019; and

**PLEASE TAKE FURTHER NOTICE** that, the moving defendants are to serve their reply papers on or before March 28, 2019.

Dated: New York, New York  
March 7, 2019

ZACHARY W. CARTER  
Corporation Counsel of the  
City of New York  
Attorney for Defendants City of New York and  
NYPD  
100 Church Street, Room 3-133b  
New York, New York 10007  
(212) 356-3519

By:                     /s/                      
Mark D. Zuckerman  
Senior Counsel